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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,682	08/10/2003	Tonnie G. Schaus	Handbag	1681
23217	7590	05/06/2005	EXAMINER	
GLENN L. WEBB P.O BOX 951 CONIFER, CO 80433			WEAVER, SUE A	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 05/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/604,682	SCHAUS ET AL	
	Examiner	Art Unit	
	Sue A. Weaver	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 18 February 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,7,9-13 and 20-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3,7,9-13 and 20-26 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 February 2005 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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1. The drawings were received on 2/18/05. These drawings are accepted.
2. Claim 21 and 24 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 21 depends from itself while claim 24 is a duplicate of claim 21.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21, 22, 24 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Applicants are advised that since claim 21 depends from itself and claims 22, 24 and 25 all depend from claim 21 there isn't any proper antecedent basis for "said outer cover", as claimed. Furthermore applicants are advised that claim 25 appears to be a duplicate of claim 22.

4. Claims 1, 2 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Fromm, of record.

Fromm teaches an interchangeable handbag system with an inner handbag which may be used with a cover or by itself. Fromm further teaches a liner for the cover or outer bag which permits the inner bag to slide within the outer bag for assembly. Such lining inherently protects the inner bag. Flaps are provided for assembly of the

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inner and outer bags with hook and loop strips. Note that a strap may be secured to the inner bag at loops 25.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Rosenberg, of record.

To have formed the securing flaps on the outer cover would have been obvious in view of such teaching by Rosenberg.

6. Claims 1, 3, 7, 9, 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salz in view of Fromm, both of record.

To have provided the outer bag or cover of Salz with a lining in the manner taught by Fromm, would have been obvious to one having ordinary skill in the art. To have further provided the inner bag with a strap would for ease of carrying would also have been obvious in view of Fromm.

7. Claims 1, 3 and 9-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sutton in view of Fromm, both of record.

To have formed the outer bag or cover with a lining in the manner taught by Fromm, would have been obvious. Note the open sides at 12 of Sutton.

8. Claims 13 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 1 above, and further in view of Smith.

It may be noted that the reinforcement tabs are claimed as an isolated element with no structural orientation to the cover. Furthermore the "shape of a zipper pull" is understood to be a rectangular shape insofar as it is shown in the drawings. To have

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merely provided the seam of the outer bag or cover with a metal rectangular reinforcement tab would have been obvious in view of such teaching by Smith.

9. Applicant's arguments with respect to claims 1-3,7,9-13 and 20-26 have been considered but are moot in view of the new ground(s) of rejection.

Claims 4-6, 8 and 14-19 have been canceled.

10. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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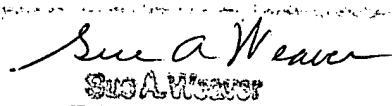
Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is 571 272-4548. The examiner can normally be reached on Tuesday-Friday.

— The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SW


Sue A. Weaver
Sue A. Weaver
Primary Examiner